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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,989	01/29/2004	Hisashi Tatamiya	P24457	2863
7055 7590 06/22/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER KHOKHAR, ASIF I	
			ART UNIT 2609	PAPER NUMBER
			NOTIFICATION DATE 06/22/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/765,989

Applicant(s)

TATAMIYA, HISASHI

Examiner

Asif Khokhar

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 04/29/2004 was filed after the mailing date of the application on 01/29/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, mobile equipment described in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a card slot and a recording button as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

Art Unit: 2609

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5 rejected under 35 U.S.C. 102(b) as being anticipated by Pentax Optio 330 digital camera, which was available for sale and use in United State in year 2001, more than a year prior to the date of this application.

Regarding claim 1, Pentax Optio 330 contains the following features according to its manual. A LCD monitor (page 7) which display an object image on a screen as a moving-image

Art Unit: 2609

before photographing a still-image. It is stated on page 18 of the manual “ when the LCD monitor is turn on, you can take the pictures while viewing the image on LCD monitor. Press the shutter release button. The image will be displayed on LCD monitor for 0.5 second (instant review) and recorded on CF card (Page 19). Button release button works in a two steps action: Press halfway and pressed down fully (page 19). When the shutter release button is pressed lightly (halfway), the focus, exposure and white balance are locked. The following information is displayed on LCD monitor (Page 19).

Regarding claim 2, Pentax Optio 330 contains the following features according to its manual. Under section “Setting the Shooting function” (page 38); user may change the photograph conditions, such as size of the subject.

Regarding claim 3, Pentax Optio 330 contains the following features according to its manual. Under section “Setting the Shooting function” (page 38-51); user may change the plurality of setting items, such as EV compensation and sharpness, associated with photograph condition, each item being constructed of an indicator including the item and setting condition information. All said plurality of setting items superimpose on the moving-image at the same time.

Regarding claim 4, Pentax Optio 330 contains the following features according to its manual: exposure correcting value (page 32), a white balance mode (page 46), a compression rate (page 45), a recording size (page 44), an ISO sensitivity (page 49), a metering manner (page 49) and a histogram (page 30).

Art Unit: 2609

Regarding claim 5, Pentax Optio 330 contains the following features according to its manual. Shutter release button works in a two-step action: half depression and Pressed down fully.

Regarding claim 7, Pentax Optio 330 contains the following features according to its manual. The camera is focused on the subject in the focusing area when the shutter release button is pressed halfway (page 41).

Regarding claim 8, Pentax Optio 330 contains the following features according to its manual.

A compact-type digital still camera (page 88)

Regarding claim 9, Pentax Optio 330 is mobile equipment contains the following features according to its manual. A LCD monitor (page 7) which display an object image on a screen as a moving-image before photographing a still-image. It is stated on page 18 of the manual “ when the LCD monitor is turn on, you can take the pictures while viewing the image on LCD monitor. Press the shutter release button. The image will be displayed on LCD monitor for 0.5 second (instant review) and recorded on CF card (Page 19). Button release button works in a two steps action: Press halfway and pressed down fully (page 19). When the shutter release button is pressed lightly (halfway), the focus, exposure and white balance are locked. The following information is displayed on LCD monitor (Page 19).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2609

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Pentax Optio 330 as applied to claim 5 above, and further in view of Japanese Patent Application No.2001-89962. It would have been obvious at the time of invention for one having ordinary skill in the art to modify the Pentax Optio 330 with the teaching of the Japanese Patent Application NO. 2001-89962. Pentax Optio manual shows the button operation on page 19. But it doesn't show the conductive and elastic contact members and electric contact. But Japanese Patent application NO. 2001-89962 stated on page 8, paragraph 0011, line 6 "The control section 11 can distinctively recognize "half pressing", a state in which user presses the shutter release button 101 to an intermediate position, that is, to a first pressed-down position, in a movable zone, and "full pressing", a state in which the user presses the shutter release button 101 to the end of the moveable zone or the vicinity thereof, that is, to a second pressed-down position."

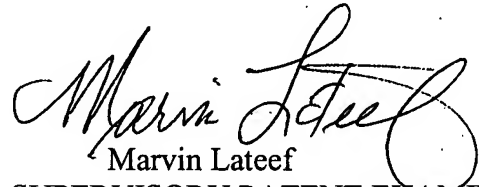
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asif Khokhar whose telephone number is (571) 270-3221. The examiner can normally be reached on Monday- Friday 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2609

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Asif Khokhar
17April2007


Marvin Lateef
SUPERVISORY PATENT EXAMINER
